(Chapter I—Preliminary)

MYSORE ACT No. VII OF 1927

THE MYSORE RELIGIOUS AND CHARITABLE INSTITUTIONS ACT, 1927

(AS AMENDED BY ACTS VIII OF 1935 AND I OF 1937.)

(Received the Assent of His Highness the Maharaja on the Nineteenth day of March 1927).

Whereas it is expedient to consolidate and amend the law relating to Muzrai and other Religious and Charitable Institutions in [1][the State of Mysore except Bellary District,] it is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Religious and Charitable Institutions Act, 1927. Short title, commencement, extent.

(2) It shall come into force from 1st April 1927.

(3) It extends to the [1][whole of the State of Mysore except Bellary District:]

Provided that the Government may, by notification in the Official Gazette, direct that this Act, or any part thereof, shall not extend to any specified Religious or Charitable Institution or to any specified class of such institutions.

2. In this Act, unless there be anything repugnant in the subject or context:— Definitions.

(1) "Religious or Charitable Institution" includes an endowment for the carrying out of any religious or charitable object.

(2) "Muzrai Institution" means and includes:—

(*i*) every *Matha,* temple, mosque or other place of worship or religious service, every chatra or house of feeding or rest for travellers with or without charge, or other institution of a religious or chari-

1. See the Mysore Adaptation of Laws Order, 1953.

table nature, which is now actually in the sole charge of Government or for the support of which any monthly or annual grant in perpetuity is made from the public revenues, or an inam is granted and is recognised and registered as a devadaya or dharmadaya grant;

(*ii*) every institution of a religious or charitable nature which, under the provisions of this Act, may be taken under the sole management of Government so long as it remains under such management.

(3) "Muzrai Officer" shall mean the Deputy Commissioner of the District in which any religious or charitable institution or the whole or any part of the property thereof is situate, and shall include an Assistant Commissioner in charge of a taluk or taluks to whom the power of a Muzrai Officer under any of the sections of this Act may be delegated by the Government in respect of the taluk or taluks comprised in his charge.

CHAPTER II.

CONTROL AND MANAGEMENT OF MUZRAI INSTITUTIONS.

Chief Controlling authority.

3. The Chief Controlling Authority in all matters connected with Muzrai Institutions is vested in the Government.

Muzrai Commisioner. His duties and powers.

4. The Government may appoint an officer to be called the Muzrai Commissioner and may, from time to time, impose and confer upon him such duties and powers of appeal, superintendence and control, as they may think fit, in respect of all or any particular class of Religious and Charitable Institutions.

Deputy Commissioners, Assistant Commissioners and Amildars. Their duties and powers.

5. Subject to such rules and conditions as the Government may prescribe, the Deputy Commissioner of the District shall be the immediate controlling authority in respect of all the Muzrai institutions in the district and subject to his authority the Assistant Commissioner in charge of a Revenue Sub-Division or the Amildar of a taluk may perform such duties and exercise such powers as may be imposed and conferred upon them by any special or general orders of the Government.

(*Chapter II—Control and Management of Muzrai Institutions*)

Appointment of Dharmadarsis and Nazarins.

6. The Government may appoint Dharmadarsis or Nazarins of wakfs, as the case may be, to manage the affairs of one or more Muzrai Institutions and, by rules framed in this behalf, determine the manner of selection, fix the term of office and regulate the powers and duties of such Dharmadarsis and Nazarins.

The Government may delegate to the Muzrai Commissioner or the Deputy Commissioner, the power of appointing Dharmadarsis or Nazarins of wakfs in respect of any institution or class of institutions.

Appointment of committee for the management of Muzrai Institutions.

7. In addition to or in lieu of Dharmadarsis and Nazarins appointed under section 6, the Government may, subject to such rules as they may frame in this behalf, appoint a Committee of persons chosen, by election or otherwise, for the management of one or more Muzrai Institutions.

Transfer of managements of Muzrai Institutions to Local Authority.

8. Notwithstanding anything to the contrary contained in any Act or other enactment in force in Mysore, the Government may also at any time, with the consent of a Local Authority, transfer to such Authority the management of any Muzrai Institution situated within the local limits of its jurisdiction, subject to such limitations as the Government may prescribe in this behalf. In every such case the funds provided for the management of such institution shall be placed at the disposal of the Local Authority concerned.

Unauthorized alienations or transfer of Inam land granted to Muzrai Institution.

9. (1) No alienation or transfer by way of sale, gift, mortgage or otherwise of any Inam land granted by the Government to any Muzrai Institution for its upkeep or for the maintenance of any person rendering service in connection therewith and no act purporting to create any interest adverse to such institution in respect of such land, shall be valid unless it is authorised by the general or special orders of the Government.

(2) No lease of a property belonging to a Muzrai Institution for a term exceeding five years shall be valid unless previously approved by the Government or by such officer as may be empowered by the Government in this behalf.

(Chapter II—Control and Management of Muzrai Institutions)

Muzrai Officer's powers in cases of unauthorized alienation or transfer.

10. Whenever any alienation, transfer or other act in respect of Inam lands which is not valid under the provisions of section 9, comes to the knowledge of a Muzrai Officer, he may after such enquiry as he may deem necessary, issue notice to the alienee or the party in possession to restore such lands to the institution to which they belong within six months from the date of service of such notice and in default of compliance, the Muzrai Officer may summarily resume and restore such lands to the said institution:

Provided that alienations made prior to the 31st day of January 1853 shall be dealt with in accordance with the Inam Rules contained in Chief Commissioner's Notification No. 266, dated the 17th November 1877:

Provided further that where a person has had adverse possession of a property for a period of twelve years before the passing of this Act, the Muzrai Officer shall cancel the inam tenure and impose the full assessment due to the Government under the provisions of the Land Revenue Code or cancel the tenure and direct the assessment recovered to be handed over for the benefit of the institution concerned.

Suits on behalf of Muzrai Institutions.

11. Whenever it is deemed necessary to institute a suit on behalf of any Muzrai Institution, the Muzrai Officer may file a suit himself or authorise any two or more Dharmadarsis, Nazarins or other persons having an interest in such institution to do so and such suit shall be entertained and disposed of by the Civil Court having jurisdiction over the subject matter of the suit as if it was filed under the provisions of Order XXXI of the Civil Procedure Code.

Arrears of rent, etc., due to a Muzrai Institution recoverable as arrears of land revenue.

12. Arrears of rent or revenue due to a Muzrai Institution in respect of property belonging to that institution may be recovered by the officers empowered to recover revenue due to the Government and in the same manner as arrears of land Revenue due to the Government:

Provided that the said arrears of rent or revenue shall not relate to a period more than six years prior to the institution of proceedings under this Act.

(Chapter III—Public, Religious and Charitable Institutions other than Muzrai Institutions)

CHAPTER III.

PUBLIC, RELIGIOUS AND CHARITABLE INSTITUTIONS OTHER THAN MUZRAI INSTITUTIONS.

Reference by the Muzrai Officer to District Judges in case of dispute.

13. Whenever a dispute arises as to whether any charitable or religious trust has been actually created in respect of any institution, the Muzrai Officer may, with the sanction of the Government, make a reference to the Court of the District Judge in whose jurisdiction the institution or the greater part of the property thereof is situated.

Management of a Muzrai Institution by Government.

14. The Government may undertake either temporarily or permanently the management of a public, religious or charitable institution in respect of which a trust is created—

(*a*) When the creator of the trust so desires, or

(*b*) When the person in actual management or appointed manager or trustee,

(*i*) disclaims, or

(*ii*) dies, or

(*iii*) is for a continuous period of six months absent from Mysore without making proper arrangement for its management, or

(*iv*) leaves Mysore for the purpose of residing abroad, or

(*v*) is declared an insolvent, or

(*vi*) desires to be discharged from the trust, or

(*vii*) refuses to act in the trust, or

(*viii*) becomes in the opinion of the principal civil court of original jurisdiction, unfit or personally incapable to act in the trust, or

(*ix*) accepts an inconsistent trust,

and there is no custom, usage, or provision in the instrument of trust or express or implied reservation by the creator of the trust for the management of the trust under such circumstances.

Disposal of the references.

15. The letter of reference shall be registered and disposed of by the Court in the same manner as a suit between the Muzrai Officer as plaintiff and the parties in

possession of the property or opposing the contention of the Muzrai Officer as defendants except that the plaintiff shall not be liable to pay any Court fees in respect of the proceedings following on the reference.

Award and apportionment of cost.

16. In disposing of references and suits under the foregoing section, the Court shall have full power to apportion and award costs either against the parties or against the estate in dispute.

Enquiry regarding mismanagement of the property of a religious or charitable institution.

17. When it is brought to the notice of the Muzrai Officer that any religious or charitable institution dedicated for the benefit of the public or a defined section of the public or any property pertaining thereto is being grossly mismanaged, he may institute an enquiry into the truth of the allegations against the persons in possession and management of the property or the institution.

Order by Muzrai Officer in such cases.

18. If it is proved that there has been gross mismanagement of the institution or of any property pertaining thereto or any misapplication or misappropriation of any part of the property, or any breach of trust in respect thereof, the Muzrai Officer may, with the previous sanction of the Government,

(1) take the institution under the management of Government;

(2) order that the property which has been mismanaged or misappropriated shall be delivered back either to the institution or to the possession of the Government on behalf of the institution;

(3) obtain security for the proper performance of the trust or management of the property;

(4) frame a scheme for the proper management of the institution or management of its property and the application thereof; and

(5) pass such other ancillary or necessary orders as the case may require in accordance with justice and equity.

Procedure in case of wrongful alienation of property of religious or charitable institution.

19. (1) Where property belonging to a religious or charitable institution has been wrongfully alienated or transferred by way of sale, barter, mortgage, lease or otherwise the Muzrai Officer may, within six years from the date of such alienation or transfer, give notice to the

alienee or transferee and hold a summary enquiry in accordance with the provisions of Chapter XII of the Mysore Land Revenue Code and direct that possession of such property be restored to the institution or that the Government assume possession thereof on behalf of the institution;

(2) When property belonging to a religious or charitable institution is taken possession of by the Government under sub-section (1) it shall be subject to the same incidents as property belonging to a Muzrai Institution so long as it continues to be in the possession of Government.

Failure of the object of the trust.

20. Where the whole or part of the objects of religious or charitable trust has failed, the Muzrai Officer may, subject to such general rules or special orders as the Government may have issued, after notification in the Official Gazette and hearing such parties as may appear in an enquiry, pass an order directing that the property or the proceeds thereof in respect of which the object has failed, may be utilised for some object of a similar nature, and may frame a scheme for administration thereof.

Suit by a person aggrieved by an order under sections 18, 19 or 20.

21. Any person who is aggrieved by an order of the Muzrai Officer passed under sections 18, 19 or 20 may, within six months from the date on which such order is communicated to him, file a suit in the Court of the District Judge, in whose jurisdiction the greater part of the property is situate, for cancellation of such order, making the Muzrai Officer one of the defendants.

If no such suit has been filed or if it has been filed and dismissed by the Court, the Muzrai Officer, may, after the lapse of six months from the date of the communication of his original order or after the dismissal of the suit as the case may be, execute his order and may exercise for that purpose all the powers of a Civil Court in executing decrees:

Provided that in cases in which the property to be disposed of under section 20 exceeds Rs. 3,000 in value or the annual income thereof is more than Rs. 300 in value, the sanction of Government shall have been obtained for the order.

(*Chapter IV—Mathas and Similar Institutions*)

Power to make rules for the maintenance of accounts, etc., by persons in charge of religious and charitable institutions.

22. The Government shall have power to make rules directing that persons in charge of religious or charitable institutions shall—

(*a*) keep regular accounts of income and expenditure,

(*b*) submit such returns and supply such information as may be necessary,

(*c*) allow such inspection and verification as may be necessary ;

and may, by said rules, prescribe a penalty not exceeding Rs. 100 for any infraction thereof and the method by which it may be enforced.

Investment of trust money.

23. All moneys belonging to a public, religious or charitable institution and not required for immediate use shall be invested in the Government Savings Bank, or in any of the following securities, and in no others, *viz.*:—

(*a*) In promissory notes, debentures, stock or other securities of the Government of Mysore or of the Government of India or in securities guaranteed by the Government of Mysore ;

(*b*) In stock or debentures of, or shares or as deposits in, Railway or other Companies or Co-operative Societies approved by the Government ;

(*c*) In any other security expressly authorised by the Instrument of Trust or approved by the Government ;

(*d*) On the purchase or on the first mortgage of immovable property situated in [1][the State of Mysore except Bellary District ;] provided that in the latter case the property is not a lease-hold for a term of years and that the value of the property exceeds by one-half, or if it consists of buildings exceeds by three-fourths the mortgage money.

CHAPTER IV.

Mathas and Similar Institutions.

Exemption of Mathas from the operation of the foregoing provisions.

24. The provisions of Chapters II and III shall not apply to Mathas and other institutions of a similar nature or to the property belonging to them which are in the

1. See the Mysore Adaptation of Laws Order, 1953.

possession of Mathadipathis or other persons entitled by law or general or particular usage to exercise powers of management or ownership.

When management of Mathas may be assumed by Government.

25. The Government may take over the possession and management of the property of any Matha or other institution of a similar nature,

(1) When the Mathadipathi or the head of such other institution voluntarily applies for such help and places the institution or its property under the management of the Government;

(2) When he is dead or has left the country and has not been heard of for more than seven years and has not made legal and satisfactory arrangements for the carrying on of the ordinary business of the institution and there is no successor duly appointed, according to law or custom applicable to succession to the office;

(3) When he is a minor without a duly appointed guardian, fit and willing to act as such, or is by reason of physical or mental infirmity unable to manage the affairs of the institution :

Provided that such management shall cease—

(1) on the termination of the period of the agreement,

(2) when a successor is duly appointed and is competent to manage the property,

(3) when the minority or other disqualification mentioned above terminates.

[1][Provided further that on the cessation of such management the Government may, while giving back the management of the property, impose such restrictions for such period as the Government may deem fit, in the interest of the Institution.]

Enquiry by a Committee into allegation of mismanagement.

26. When on complaint made or information furnished in writing by disciples or other persons interested in any Matha or other similar institution, the Government has reason to believe that the Mathadipathi or the head of such other institution has been grossly mismanaging the property of the institution or has alienated or is attempting to alienate the whole or any part of such property for

1. Added by Act I of 1937.

improper purposes, the Government may order an enquiry by a Committee of not less than three persons, one at least of whom shall, whenever possible, be a disciple of or a person interested in, the Matha or other institution as the case may be, provided he is not a whole-time servant of the Government.

Report of the Committee and orders of Government thereon.

27. On the completion of the said enquiry the Committee shall submit a report of the result thereof to the Government; and the Government may thereupon take over the management of the institution or pass such orders as may be deemed fit concerning the management of the affairs and property of the institution.

Powers of Government regarding Institutions under their management.

28. When any Matha or other similar institution has come under the management of the Government under the provisions of this chapter, it shall be competent to the Government to exercise all the powers possessed by the Mathadipathi or head of such other institution for the management of the institution and its property including power to arrange for the proper performance of the customary religious and charitable services.

Application of income of Institutions under Government management.

29. Whenever any Matha or other similar institution has come under the management of the Government, due provision shall be made from the income of the institution for—

(1) the proper maintenance of the Mathadipathi or the head of such other institution and his establishment, if any,

(2) the performance of the customary religious and charitable services, and

(3) the preservation and proper management of the property belonging to the Matha or other similar institution,

and it shall be competent for the Government to utilise the surplus income of the institution on object of charity or for the encouragement and the spread of religious instruction according to the tenets of the institution.

Unauthorized alienation of Inam lands granted to the Institution by Government.

30. Where any inam land is granted by the Government for the upkeep of any Matha or other similar institution the Mathadipathi or the head of such other institution shall not alienate such land and all such alienations unless

made with the previous sanction of Government, shall be null and void.

In cases of alienation in contravention of the foregoing provision, the Muzrai Officer may, after enquiry, issue notice to the alienee or party in possession to restore the lands to the Matha or other similar institution to which they belong within six months from the date of service of the said notice and in default of compliance the lands may be summarily resumed by him and restored to the Matha or other similar institution:

Provided that alienations made prior to the 31st day of January 1853 shall be dealt with in accordance with the Inam Rules contained in the Chief Commissioner's Notification No. 266, dated the 17th November 1877.

Application of the chapter to similar religious institutions.

31. The provisions of this chapter shall apply to religious institutions presided over by sajjadas and other institutions of a similar nature.

CHAPTER V.

PUJARIES AND OTHER HEREDITARY SERVANTS OF MUZRAI INSTITUTIONS.

Enquiry into the claims to the office of a Pujari or other servant of a Muzrai Institution.

32. When there is a dispute about the office of a Pujari, or other servant of a Muzrai institution which by law or usage descends by hereditary right, the Amildar or the Revenue Sub-Division Officer of the taluk in which the institution is situated, as the Muzrai Officer may direct, shall hold an enquiry in the presence of the parties interested and record statements and evidence relevant to the case.

Decision by Deputy Commissioner or Assistant Commissioner.

33. The Muzrai Officer shall, on receipt of the record of enquiry, make such further enquiry as he thinks necessary and decide the case on its merits.

No temple office or service in a Muzrai Institution to be hereditary, except under certain circumstances.

34. No office or service in a Muzrai Institution shall be deemed to descend by hereditary right unless it has been conferred or recognised originally with an express stipulation to that effect in writing by a competent authority or has been held successively by three generations of the same family in succession in due legal course.

(Chapter VI—Miscellaneous)

Appointment of a Pujari or other officer in a Muzrai institution.

35. Where there is no claimant entitled to succeed to the office of a Pujari or other office in a Muzrai Institution, the Muzrai Officer may appoint any other person competent for such office.

Removal of a Pujari at the instance of Bhaktas.

36. Where a majority of not less than three-fourths of the devotees of a Muzrai temple resident in the village or town in which the temple is situated object to the employment as Pujari of a person claiming by hereditary right, such person shall be removed from office, provided that the objectors pay to the claimant such amount by way of compensation as may be fixed by the Muzrai Officer.

CHAPTER VI.

MISCELLANEOUS.

Mode of enquiry referred to in sections 10, 17, 20, 26 and 30.

37. The enquiry referred to in sections 10, 17, 20, 26 and 30 shall be conducted in manner prescribed for a formal enquiry under the Mysore Land Revenue Code, after issue of notices to the parties interested and the Muzrai Officer or other person or persons holding enquiry shall have all the powers of a Revenue Officer empowered to conduct such formal enquiry.

Appeal.

38. (1) Every order passed under this Act by a Muzrai Officer which is not liable to be set aside by a suit filed under any of the provisions of this Act, shall be subject to appeal to the Muzrai Commissioner:

Provided that when the order is passed by an Assistant Commissioner exercising the powers of a Muzrai Officer, it will be appealable in the first instance to the Deputy Commissioner.

[1][(2) An appeal will lie to the Government against every order passed by the Muzrai Commissioner, provided that no such appeal shall lie to the Government from an appellate decision passed by the Muzrai Commissioner except on a point of law or usage having the force of law.]

(3) The Government may at any stage, withdraw any appeal or proceeding pending before the Muzrai Commis-

1. Substituted by Act VIII of 1935.

sioner and dispose of the same or re-transfer the same for disposal to the Muzrai Commissioner.

(4) The Government may transfer to the Muzrai Commissioner for disposal all or any of the appeals that may be pending before them when this Act comes into force.

(5) No appeal shall be brought after the expiration of thirty days if the decision or order complained of have been passed by an officer inferior in rank to a Deputy Commissioner, nor after the expiration of ninety days in any other case.

In computing the above periods, the time required to prepare a copy of the decision or order appealed against shall be excluded.

Revision.

39. The Government, or the Muzrai Commissioner or any Muzrai Officer may call for and examine the records of any enquiry or the proceeding of any officer subordinate to it or him for the purpose of satisfying as to the legality or propriety of any decision or order passed, and as to the regularity of proceedings of such officer.

If, in any case, it shall appear to the Government or to such officer as aforesaid that any decision or order or proceedings should be modified, annulled or reversed, the Government or such officer may pass such order thereon as may be deemed fit.

Bar of jurisdiction of Civil Courts in cases falling under the Act.

40. In all matters in which a Muzrai Officer, the Muzrai Commissioner or the Government, has power to pass any order or to take any action under this Act, Civil Courts shall exercise jurisdiction only to the extent allowed by this Act.

Suit under section 92, Civil Procedure Code not barred.

40A. Any order passed under this Act or the rules issued thereunder by a Muzrai Officer or by the Government shall not bar a suit under the provisions of section 92 of the Code of Civil Procedure, 1911.

[1][**40B.** No suit or other proceeding shall lie against any person for anything done or intended to be done, in good faith, under this Act or under any rule made thereunder.]

1. Inserted by Act I of 1937.

(*Chapter VI—Miscellaneous*)

Rules.

41. Government may frame rules not inconsistent with this Act—

(1) defining the powers and duties of Amildars and Assistant Commissioners in charge of the Revenue Sub-Divisions in respect of Muzrai Institutions, in their respective jurisdictions,

(2) defining the powers and duties of Dharmadarsis and Nazarins of wakfs,

(3) regulating the appointment of Muzrai servants to the various institutions and defining their duties,

(4) prescribing the scale of expenditure of the Muzrai Institutions,

(5) regulating the investment of surplus funds of Muzrai Institutions, and

(6) generally to carry out the purposes of this Act.

42. The Mysore Muzrai Act, VI of 1913, is hereby repealed.